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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,747	08/29/2006	Marc Seidel	6097.P077	2599
8791 7590 12/16/2009 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
BUCKLE JR, JAMES J				
ART UNIT		PAPER NUMBER		
3633				
MAIL DATE		DELIVERY MODE		
12/16/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/565,747

**Applicant(s)**

SEIDEL, MARC

**Examiner**

JAMES J. BUCKLE JR

**Art Unit**

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 9/21/2009/10/26/2009

**DETAILED ACTION**

1. The following is a Non-Final office action in response to communications received on 11/13/2009. Claim 1 has been amended. Currently, claims 1-17 are pending and examined below.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/13/2009 has been entered.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Ramm et al (U.S. Patent No. 5, 426, 903).
5. Regarding claims 1 and 13, AAPA discloses a tower (Fig. 5, Page 2, lines 19-29), for a wind energy turbine, comprising a first tower segment (1) having a wall comprising concrete material and a second tower segment (3) having a wall comprising steel,

wherein the wall of the second tower segment comprises an end portion embedded in an embedment portion of the wall of the first tower segment, and wherein the second tower segment within its embedded end portion comprises a separate anchoring element (6) projecting radially inward from an inner surface of the wall of the second tower segment as well as the outer surface, arranged along an axial direction of the second tower segment to prevent internal force concentrations within the wall of the first tower segment. The Examiner considers the weld attached to the inner and outer surfaces connecting the anchoring element to sufficiently meet the limitation of being fixedly mounted to the inner surface of the wall of the second tower segment. AAPA does not disclose a plurality of anchoring elements being fixedly mounted to the inner surface of the wall of the second tower segment. However, Ramm et al. teaches that it is known to have metal weld-on dowels for steel/concrete composite construction (Fig. 8) to achieve composite action and increase the bond between concrete and steel. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the second tower segment disclosed by AAPA to have a tower segment with a plurality of dowels as anchor elements mounted on the inner and/or outer surface of the wall to achieve composite action and increase the bond between concrete and steel. Further, the use of a plurality of these dowels will greatly increase the pull out strength of the metal tower section from the concrete section.

6. Regarding claims 2 and 3, AAPA further discloses the first and second tower segment as being tubular (Page 2, lines 19-29).

7. Regarding claims 4-7 and 14-17, AAPA in view of Ramm et al. discloses a tower as set forth above with a plurality of anchoring elements comprising a first type of anchoring elements comprising a headed stud with an enlarged free end (5, Ramm et al.) having a free end portion opposite to the wall of the second tower segment and a second type of anchoring element having at least sections of annular portion comprising the first type of anchoring elements, but does not disclose the first or second type having end portions extending along the circumferential direction. However, AAPA discloses the anchoring element (6) that is of ring-like configuration to be able to sufficiently produce a composite construction. Therefore, it would be obvious to provide the plurality of anchoring elements extending contiguously in a circumferential direction to produce a composite construction. There would be no new or unpredictable results achieved from provide the surface area of the tower with a sufficient amount of anchoring elements to produce a composite construction.
8. Regarding claim 8, AAPA in view of Ramm et al. discloses the plurality of anchoring being welded to the wall of the second tower segment (Abstract; Ramm et al.).
9. Regarding claim 9, AAPA further discloses the wall of the first tower segment further comprising a reinforcement element (5) in at least its embedded end portion.
10. Regarding claim 10, AAPA further disclosed the wall of the first tower segment comprising pre-stressed concrete (1) in at least its embedded end portion.
11. Regarding claim 11, AAPA further discloses the wall of the first tower segment comprising a plurality of pre-stressing elements (2, Fig. 4) axially extending through at

least the embedment portion and arranged so as to face the inner surface or the outer surface of the embedded end portion of the second tower segment. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the plurality of pre-stressing elements disclosed in Fig. 4 in the tower disclosed in Fig. 5 to increase the tensile strength of a tower. There would be no new or unpredictable results achieved by incorporating pre-stressing elements in a steel and concrete composite structure..

12. Regarding claim 12, AAPA in view of Ramm et al. discloses the plurality of anchoring elements arranged at the surface of the embedded end portion of the wall to the second tower segment that would be adjacent to the pre-stressing elements of the first tower segment.

### ***Response to Arguments***

13. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES J. BUCKLE JR whose telephone number is

(571)270-3739. The examiner can normally be reached on Monday-Thursday,  
Alternating Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James J Buckle Jr  
Examiner  
Art Unit 3633

JJB

/Brian E. Glessner/  
Primary Examiner, Art Unit 3633